

## Management Take-Over

# Dishonest Colliery Owners To Be Given Huge Compensation by Cong. Govt.

On 30th January last, the Indian Government by promulgating an ordinance has taken over the management of 464 non-coking coal mines in the hands of the Government. A decision has been announced that "management compensation" will be given to the coal mine owners at the rate of 20 paise per ton to be charged on the basis of highest monthly production of coal for the last 4 years. The collieries belonging to the top monopolist, the Tatas and the IISCO have been kept out of the purview of this ordinance.

As usual the ruling Congress is trying to publicise this step as a "socialist measure" and some so-called leftist parties also have not fallen back in welcoming this step. Certainly, this will not be able to confuse the common people as they know very well from their past experience that in a capitalist system, such measures of nationalisation or statisation do not usher in socialism, nor do these eliminate worker-employer relationship and exploitation; rather, on the contrary, these are meant to strengthen the aggregate interest of the capitalist class. Nevertheless, as there is wider scope to launch an organised united struggle of the working class directly against the exploitation of capitalist state ownership in place of disparate struggles against the exploitation and whims of an individual owner and as the capitalist class character of the state is revealed nakedly to the common man—only for these reasons, the revolutionaries raise the demand for nationalisation.

A Reserve Bank Committee, constituted of the representatives of coal mine owners, itself recommended for Government's take-over of the management of coalmines on November last. The reason underlying this recommendation is that in order to fulfil the target of coal production of 10 crore 50 lakh tons as set by the Fifth Five Year Plan, an additional investment of about Rupees

100 crores is necessary which the private employers are quite unwilling to invest; under such a situation it is palpably clear that the motive behind this step to take-over the management of coalmines is not to eliminate capitalism but to relieve the owners from the task of bearing the expenses necessary to fulfil the capitalist planning in a capitalist way and thrust the burden of expenses on to the common people. Even previously, the government by similarly taking over some "sick" industries has relieved the owners and burdened the common men with the expenses for the removal of "sickness".

Nationalisation of coalmines without any compensation is one of the major demands voiced over a long period in the Trade Union movement. Among all the organised big industries the coal industry stands as one. But surprisingly, the large numbers of workers belonging to this industry do not receive even now the minimum wage as fixed by the 1967 Coal Wage Board. Even according to the estimate of the government the coalmine owners have not deposited till now an amount of Rupees 30 crores in workers' provident fund, have cheated the state by not giving royalty to the tune of many crores of rupees and have not paid the workers for several weeks in many coalmines. In most of the mines, the owners have over

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## EROSION OF LAND IN MURSHIDABAD CONGRESS SHEDS CROCODILE TEARS

From recent Press reports it seems that the West Bengal Congress leaders like Sri Sidhartha Sankar Ray and Janab Abdus Sattar are very anxious about the erosion in Jangipur Subdivision under Murshidabad district by the river Padma. This dangerous erosion has been going on for the last twenty five years; but no Congress leaders including Janab Sattar whose constituency happens to be in the area where this erosion has been occurring, found opportunity to express anxiety for the distressed people of the locality during the last twenty five years.

Janab Sattar was several times in the Congress Ministry. He was also the President of the West Bengal Congress during a long period; but he took no initiative in checking this erosion by the Padma. On the contrary, it was seen that men of his party took active part in breaking the powerful movement, launched by the SUC on this issue for the past several years. The role of the Congress in this regard is indeed ignominious. On 17th, 18th, 21st and 25th of August 1971 when thousands of people under the leadership of the SUC were rallying and organising stay-in strike with the demand for immediate action against the flood and the dangerous erosion by the Padma, the Government under the Presidents' rule, which was the rule by the Central Congress Government imposed section 144 to break the movement and did not even allow the use of mike. The Government could not, however, stop this movement by these oppressive measures.

Then on 13th September 1971 nearly ten thousand people under the leadership

of the SUC came to Calcutta for submitting a memorandum to the Governor. On behalf of the demonstrators, Com. Nihar Mukherjee, Secretary of the West Bengal State Committee of the SUCI, Com. Subodh Banerjee, Com. Sukomal Das Gupta and Com. Achintya Sinha, other leaders of the Party, met the Governor and submitted the memorandum. In the said memorandum it was stated: "Recently serious erosion of the embankment of the river Ganga has started again, threatening further devastation in the area. On our demand the District Magistrate, Murshidabad, made an on the spot enquiry on 9th September 1971. Leaving aside the question of permanently controlling the recurrence of flood every year, the present situation demands immediate construction of a temporary embankment in order to forestall the impending danger".

All the English and Bengali dailies, published from Calcutta reported about this deputation of the people affected by erosion and in

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# SUC's Suggestions On Indian Penal Code (Amendment) Bill, 1972

Our Party, the SUCI, on being requested by Rajya Sabha's Joint Committee on the Indian Penal Code (Amendment) Bill, 1972 to place its comments on the Indian Penal Code (Amendment) Bill, 1972 has issued an 18-page closely typed Note in reply to the queries made on the Bill, containing its views and suggestions on several provisions of the Bill. In this Note apart from giving the general guideline which should govern the Indian Penal Code so as to fulfil the democratic aspirations of the people and decrying the anti-people and undemocratic outlook so long reflected by the Indian Penal Code, some valuable suggestions have been made on various proposed sections of the Bill in order to serve the democratic interests of the people. Since it is not possible to publish the entire Note within the short space that is available here, we are, rather confining ourselves to quoting some excerpts of this Note making some suggestions on our behalf to the Joint Committee of the Rajya Sabha on this subject.—Ed.P.E.]

"The Indian Penal Code was framed by the then British Imperialist rulers of our country. It goes without saying that they intended to rule and actually ruled India not democratically but autocratically with an iron hand suppressing all democratic movements for national independence and other democratic demands in order to perpetuate their imperialist rule over our country. This imperialist outlook and attitude towards the then national and democratic aspirations of our people could not but be reflected in the laws framed and the legal and judicial systems introduced in our country by them. The Indian Penal Code, 1862 is no exception from this general rule. In fact, it was the principal weapon in the armoury of laws in the hands of the alien rulers to forcibly suppress all democratic movements by our people. It is a shame that such a law still remains the Bible to the so-called custodians of law and order in independent India. This undemocratic law has given almost unlimited power to the Police to harass, punish and even kill the people and forcibly suppress their legitimate democratic movements on

this or that plea in the name of maintaining law and order (alien rule divorced from popular support and based on tyranny had no other alternative than to depend on unbridled force) and is incompatible with the democratic aspirations of the people of independent India. In the background of the changed situation of the country, developing concept of social justice and expanding democratic aspirations of the Indian people the Penal Code ought to have been scrapped and a new Indian Penal Code consistent with democratic principles framed long ago. That has not been done. The present Bill, The Indian Penal Code (Amendment) Bill, 1972, also does not perform that task. The Code remains essentially the same as enacted by the British imperialist rulers of our country. In one respect the Bill will still worsen the existing Penal Code as it seeks to give more arbitrary powers to the Police and other public servants".

In mentioning some amendments to the existing provisions of the Penal Code some suggestions made by our Party are as follows :

(i) "It is our very strong feeling that without a thorough re-orientation of the

Police force in our country in tune with the changed political situations and expanding democratic aspirations of the people, there will not be any democracy for our people nor will it be possible to tone up administration. Police in our country still carries colonial heritage and more often than not takes law in their own hands, fabricates evidence, implicates innocent persons in false cases, severely assaults persons and behaves as criminals. It is precisely for this reason that Justice Mulla of the Hon'ble Allahabad High Court was once obliged to observe in one of his judgements that "Police in our country is the most organised gang of criminals." The language under quotation may not be exactly the same as what he said but it correctly carries the sense of what he observed. To remain blind to this reality would be betraying the people and betraying democracy. Police in our country must be made to behave as Police in a democratic country not as lord and master of the people but as servant. They are now more than lord and master of the people; they behave as most tyrant, even murdering people in a cool and calculated manner. To check it, the Penal Code should be thoroughly amended so that Police is exposed to legal action for any illegal action done or excesses committed by them like any other citizen. For that purpose all the saving clauses in the Penal Code (the plea of "done or intended to be done in good faith under colour of office" protects Policemen from legal actions even though they commit illegal acts) should be omitted and there should be provisions for more stringent punishment for illegal acts done by Police.

(ii) "It is an admitted fact

that because of large-scale malafide transfer of land, splitting up of families, got-up civil suits and various other fraudulent actions by big land-owners, land reform measures have been largely frustrated. Such offences are quite large in number and now outside the scope of the Penal Code. These offences should be covered by the Penal Code.

(iii) "Eviction of sharecroppers from land without the process of law as provided in land reform measures is now a penal offence. But when brought to their notice Police takes no cognizance of such offences. The offence should be covered by the Penal Code.

(iv) "Land-owners are now legally bound to give receipts to their sharecroppers for the share of their crop they get from their sharecroppers. They generally do not give such receipts with intent to illegally evict the sharecroppers. Refusal to give such receipt should be made an offence under the Penal Code.

(v) "Big land-owners very often forcibly take away standing crops of their land cultivated by sharecroppers in order to deprive the latter of their lawful share of produce. This offence should be brought under the Penal Code.

(vi) "Employers very often violate provisions of labour laws. Such violation, among others, include (a) non-payment of due wages,

(b) non-deposit of contributions towards Employees Provident Fund and Employees State Insurance, (e) non-implementation of Labour Court's and Industrial Tribunals' awards and (d) violation of other provisions of law. These offences should be brought under the Penal Code.

(vii) "Hoarding and black-marketing of food, drugs and other daily necessities of life

# Police Should be Exposed to Legal Action For Any Illegal Act Done by Them

should be included as offence (viii) "Creating disturbances in any meeting organised by others, not allowing any one to attend or address any such meeting, threatening and intimidating one for doing work of any political party or mass organisation should be made an offence under the Penal Code. Offences suggested here from (i) to (viii) should be cognizable offence.

(ix) "In chapter XI of the Penal Code should be added the following offences, namely, (a) public servant giving false evidence, (b) public servant fabricating false evidence, (c) public servant framing false charges with intent to procure conviction, (d) public servant implicating innocent persons in false cases, (e) public servant causing hurt to any person.

(x) "In chapter XIV of the Penal Code, punishments under sections 272, 273, 274, 275, 276 should be increased to at least five years for the first offence. For subsequent offences this punishment should be supplemented by flogging in public with due publicity in newspapers. Punishments under sections 292 and 293 should be increased to imprisonment for five years. After section 293 there should be new sections 293A to cover publication of obscene advertisements in journals and punishment under section 294 should be increased to imprisonment for at least 2 years"

The Bill seeks to incorporate some new sections in the Penal Code, on which some of our views are given below :

(i) "Clause 50 (proposed sections 124A and 124B). The proposed section 124A is a blatant attack on the democratic right of freedom of expression, association and demonstration of the people. Every citizen has the right to remove a government as by law established by mobilising public opinion through democratic mass movements.

This right of the people is sought to be taken away by the proposed section 124A, as such movements would be branded as prejudicial to the public order by the administration and the Police (this has been done before times without number) and accordingly dealt with under the proposed section 124A. In the Notes on clauses it has stated that this section has been held as valid by the Supreme Court. It is not exactly so. The section may be held valid in case of activities intended to create public disorder by resorting to violence. This is in essence the opinion of the Supreme Court. But there is nothing in the proposed section 124A which can impart this restricted meaning to the section. Its language is such that even non-violent movements against the government would be attracted by the proposed section 124A. We strongly feel that the proposed section 124A should be dropped.

A new section 124B is going to be added. There is already a law by Parliament dealing with cases insults to the Constitution, the national flag or the national anthem. The proposed section 124B is, therefore, a duplication of existing law and, so, redundant. It should be dropped.

(ii) "Clause 92 (proposed section 221). As already stated, in our country institution of false cases, particularly against the poorer people, by Jotedars and other rich persons and implicating innocent persons in false cases by police at the instance of moneyed men is very common. Such heinous acts on the part of Police and rich men leading to unjustified harassment, loss of time and energy and financial ruination, if not conviction, of the poor accused persons must be stopped and there should be a provision for

exemplary punishment for such offences. So the penal provision in the proposed section 221 of imprisonment should be enhanced and the alternative penalty of fine should be omitted. Besides, the words, "with intent to cause injury to any person", occurring in the first line of the proposed section 221 should be omitted. For, otherwise the very object of this provision is apt to be defeated, as it is very difficult to prove motive. The very fact that false information has been given or false cases instituted should be enough to warrant punishment.

(iii) "The proposed new section 507A providing punishment for fast unto death or indefinite hunger-strike (a form of protest against some wrong or social injustice practised by no less a person than Gandhiji himself) should not be adopted. The proposed measure to penalise such hunger-strike is undemocratic though one may not accept fast as a proper form of mass movement.

(iv) "If the term, "mock funeral", occurring in the proposed new section 570B includes the burning of an effigy of living person then the proposed section should be adopted. For, its adoption would mean curtailment of an existing right of the people for democratic demonstration. The burning of an effigy of a living person is an acknowledged form of expressing disapproval of some acts or politics of the person concerned. It is practised throughout the world. We do not consider such burning to be in bad taste, as commented in the Notes on Clauses.

(v) "The proposed new section 5070 providing punishment for so-called disfigurement of places open to public view should not be adopted. Its adoption would be an undemocratic act taking

away an existing right of the people. The language of this section is so wide that it is liable to be terribly misused. Every thing under the sun, from an appeal for making a strike by railway men or State Electricity Board employees successful pasted on a wall to wall-painting depicting the actual fact of molestation of woman by the CRP personnel, will come within the mischief of the proposed section. Hence, it should be omitted. In its place, however, there should be a provision for punishment for offences of pasting obscene posters on places open to public view and publishing obscene advertisements in journals and newspapers, etc.

(vi) "The proposed new section 74C providing punishment of public censure for certain types of anti-social offences like adulteration of food or drugs seems too mild considering the serious peril to national health which such adulteration causes and the fact of commitment of same offence even after previous conviction. We feel that in such cases flogging in public with due publicity would be more appropriate.

(vii) "The proposal for corrective labour (to be incorporated in the Cr.P.C.) in our existing capitalist society will objectively be slave labour. The proposal should better be dropped, particularly in view of the fact that even now prisoners are to do hard labour in jails every day if the punishment is rigorous imprisonment.

(viii) "We strongly oppose the proposed sections 341, 342 and 343. Gherao is a form of legitimate democratic mass movement long recognised as such in our country. Of late some courts have held it as wrongful restraint and wrongful confinement with an additional element of terror in it. We cannot agree to this view.

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# Coalmine Workers Must Build up Stronger Unity to Resist Offensive

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a long period stopped any further investment, consequent on which the internal conditions in many coalmines and the conditions of machinery are in a very precarious state, although the owners have been receiving government help in many ways over a long time and given assistance to increase their profit still further in the form of allowing them to raise the price of coal a number of times. Even according to the statement of West Bengal Chief Minister the coal industry is the most "dishonest" industry in our country. So no question of compensation can arise under the circumstances. But still the India Government has announced its decision to pay management compensation in the ordinance.

Immediately after promulgation of this ordinance Com. Prithish Chanda, a Secretary of All India UTUC (Lenin Sarani) and leader of Bihar Coal Miner's Union has sent a telegram and a long letter to the Union Minister of Industry and Mines, strongly condemning the decision to keep the mines controlled by TISCO and IISCO out of the purview of government take-over and urging upon the inclusion of their management within government control. Com. Chanda also has strongly criticised against the appointment of men belonging to the Tatas for conducting the function of Coal Mines Authority, a government body. The Bihar Coal Miner's Union, affiliated to the UTUC (Lenin Sarani) is an organisation of 40,000 coal workers of Bihar. Even the Central Labour Department has acknowledged the Bihar Coal Miner's Union as the largest representative body of the coal workers. But despite this fact, no representative of this Union has been included in the Advisory Committee. Com. Chanda

in his telegram and in the letter has strongly criticised this discriminatory and self-contradictory attitude of the Central Government and demanded equal representation in the Labour Advisory Board of all Central Trade Union Organisations connected with the coal industry, including the UTUC (Lenin Sarani). Com. Chanda also has strongly protested against the decision to pay compensation to the colliery owners.

On 1st February last, at a conference held at the instance of the West Bengal Chief Minister and attended by Sri Mohan Kumaramangalam, the Union Minister of Steel and Sri J.J. Kumaramangalam, the Director General of newly-created Coal Mines Authority, Com. Sitiesh Dasgupta on behalf of the UTUC (Lenin Sarani) strongly protested against the decision for giving "compensation" and demanded immediate implementation of the recommendation of 1967 Wage Board, payment of provident fund dues to the workers and abolition of contractory labour system besides making the casual labourers permanent. In this context, he also demanded democratisation in the state of management of coal mines and criticised the policy of the government to include within the Advisory Committees, representatives of only a few labour organisations which are closely associated with or liked by the government. He demanded setting up a Labour Advisory Board for the coal industry and in this Board the inclusion of UTUC (Lenin Sarani) along with other representatives of Central bodies of all unions connected with the coal industry, on the basis of an equal footing.

After the other leftist Central Trade Union leaders present in the conference supported his demands, Mr. Sidhartha Ray announced in the conference that he would

immediately intimate the Centre about the compensation so that before any compensation was given the amount due to the workers and to the Government was realised from the owners. Of course, it was noticed in the newspaper just on the following day that the colliery owners had drawn huge amount of money and wealth from the bank beforehand. When the matter was brought before the banks it was told on their behalf that they had received no precautionary order in this regard from the Government. It is in this way that "socialist" Congress Government by passing over the burden of all the misdeeds of the "dishonest" (even in the words of Congress Chief Minister) colliery owners on to the common people and allowing them to go away with money is again making arrangement for payment of compensation.

On 31st January last at a meeting of Coal Workers' Organisations at Jharia, held at the instance of the Government when Sri C.S. Jha and Sri O. Mohipati, the representative of newly-formed Coal Mines Authority and Bharat Coking Coal respectively appealed for the co-operation of the Labour Organisations in order to increase the production of coal, Com. Hem Chakrabarty and Com. Anil Sarkar on behalf of Bihar Coalminers Union and Tata Colliery Worker's Union, both affiliated to the UTUC (Lenin Sarani), put forward the following demands:

1. The Coal Mines Authority must immediately pay the wage and all other arrears due to the workers.
2. The contract labour system must be abolished and all casual and contract labourers must be made permanent and regular.
3. All corrupt and anti-labour officers engaged under the previous ownership must be removed.
4. All the hired goondas

of the owners must be removed from the colliery belt and the democratic rights of the trade union must be effectively ensured.

The Authority had agreed to set up a committee comprising representatives of all unions for checking up the master roll of the coal mines. But regarding other demands no definite assurance was given from their end.

Under the circumstances, in view of such a clear pro-employer policy and behaviour of the Government the colliery workers must develop a still more united, consolidated, and will-knit organisation than before to fulfil their various legitimate demands. It is true that previously they were disunited, so also were the owners. But now the workers have come under a single employer. To-day in order to fulfil their slightest demand they have to confront directly with the State. Hence to-day they must strive to build up their organisation on the basis of much higher political consciousness than before.

## On Penal Code

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gangs for fear of being transferred to distant places or otherwise punished. Unless administrative neutrality is established and Police ceases to move at the dictates of the ruling party in a partisan way, violent crimes by armed gangs cannot be checked. Thirdly, these gangs are armed with pistols, ravolvers, etc. If the people can be armed and organised then and then only can resist armed gangsterism and violent crimes by these gangs, otherwise not. For this the Arms Act, which has emasculated the nation, should be repealed and small arms brought within the purchasing power of the people. If the Government really wants to effectively deal with violent crimes by armed gangs then these things should be done."

# Call for movement against Price-rise

## Another Congress bunkum

After assuming power by totally rigging the elections in West Bengal, the ruling Congress set a record in making bogus promises to the people of the State. Promises of "jobs for 40,000," "electrification in 10,000 villages" and "installation of 35,000 electric tubewells in West Bengal villages" have not yet been consigned to oblivion. And when the consecutive failure of the State Congress rulers had made the people restive, the Congress bosses have come out with their latest gimmick—the price-rise resistance committees.

The West Bengal PCC Chief Mr Arun Moitra has recently issued a circular to the DCCs asking them to form Resistance Committees against price-rise and to find out the hoarders and black-marketeers as well so as to build up a "popular resistance movement against soaring prices of essential commodities."

Simultaneously, the PCC has set two more tasks to be performed by the DCCs. First, to prepare a list of "homeless" agricultural labourers and share-croppers who will be given house building grants by the State Government. Second, to prepare a list of 'helpless' families whose members will be given preference in the matter of employment. Take up the first item. It's nothing new to the people of the State who had twice before witnessed such bluffs by the Congress in the name of movement against price-rise and hoarding. The Youth Congress and Chhatra Parishad volunteers had twice launched this so-called price-rise resistance movements by picketing for a few days before a few small retailers' shops in the open market, thus depriving these petty shop-keepers or stall-holders of their meagre daily earnings while the actual blackmarketeers and hoarders were allowed to continue their fleecing of the people unabated. Though the monopoly-controlled Press never failed to play up this Congress perfidy by giving them front page banner headings, prices of essential

commodities, however only shot up further to prove the bunkum of the whole game.

This year too, when in the face of ever-soaring prices of all essential commodities widespread discontent is brewing up among the people against the anti-people policies of the ruling Congress, the State Congress leaders are again on the stage to re-enact the old farce with a view to creating confusion in popular mind.

That the present unprecedented rise in prices of all commodities is more a product of the long pursued anti-people economic policy and taxation policy of the Congress Government than of any natural calamity of any particular year cannot be denied. Over and above, the situation has been further worsened by the police and the Administration working hand-in-glove with hoarders and black-marketeers. The only practicable solution of the present crisis under the existing circumstances, would have been to take over the entire administration of procurement and distribution of foodgrains and other essentials in the country by the Government.

The SUC is the only party that has been consistently demanding introduction of all-out state trading at both wholesale and retail levels,—in all essential commodities, as nothing short of such a measure would be able to provide the people with a respite from the ever

tightening tentacles of hoarders and blackmarketeers.

If the Congress leaders had any genuine desire to fight the present crisis, they would have accepted our demand for "all-out state-trading" in the matter of procurement and distribution of all essential commodities. But they have not only refused to take that course but the partial demand for take-over of only wholesale state-trading in food grains which found its way in the Congress resolutions have also been shelved for an indefinite period.

Under the circumstances the call of the West Bengal Congress Chief to launch a resistance movement can only appear as another bluff to the people of the State.

Secondly, the PCC Chief has also instructed his underlings 'to find out the black-marketeers and hoarders'. Then what is the use of the Government's spending such an enormous amount to maintain the vast contingent of police force? Is that only meant for crushing the struggles of the workers and the peasants, conducting the daily attacks on the workers and supporters of the left parties?

The call for the present so-called price-rise resistance movement by the PCC Chief, therefore, appears to have been motivated by two objectives,—on the one hand, to cover up deliberate inaction of the Administration and Police in curbing the blackmarketeers and hoarders

and, on the other hand, to divert the resentment of the people against the Congress by raising the hullabaloo of the so-called resistance movement.

About the other two instructions of the PCC Chief, the less said the better. The DCCs have been asked to prepare lists of "homeless" agricultural labourers and share-croppers. The people of the State with their long experience under Congress regime have not an inkling of doubt that money will flow from State exchequer straight down to the pockets of these "homeless" people as listed by DCCs.

The people have also no that in the very same dubious way Government jobs will be provided to those people whom the DCCs will list as 'helpless'. (Of course the group squabbling within the Congress that has become so rampant of late may ultimately reduce the whole game to a big scandal. The PCC has probably overlooked this dangerous possibility in their haste to draft this latest design to hoodwink the people.)

Under the circumstances, we feel, it is the bounden duty of all the left and democratic forces to fully expose this new Congress bunkum before the people and, foiling all the attempts of the Congress leaders, organise public opinion to build up a state-wide movement on the demand for all-out State trading at both wholesale and retail levels, in all essential commodities to effectively resist the present unprecedented rise in prices of daily necessities.

## River Erosion in Murshidabad

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rupees this Congress Government under more serious circumstances has sanctioned a paltry sum of ten lakhs of rupees. The Congress leaders can shed crocodile tears, spend 45 lakhs of rupees in Bidhan Nagar for adopting a few empty resolutions and adopt repressive

measures to break the movement of the people. So the people must not feel assured due to the publicity in Press by Congress leaders. Instead they should build up strong united movement to force this Government to take active measures against this dangerous erosion of the Padma.

# Repeal Arms Act To Honour the Aspirations of Our People

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Gherao is not wrongful restraint or wrongful confinement. The language of the proposed sections 341, 342 and 343 has been made such as to attract Gherao. Hence, the language should be changed to exclude Gherao from the purview of these sections."

"Radical reforms of the existing legal and judicial systems are necessary to give actual relief to the poorer people in case of their imprisonment. It will be out of place to dilate on all points of reforms here. We, therefore, confine ourselves to making some suggestions which can be implemented even in the prevailing capitalist order in our country. We all know that imprisonment may be under two conditions, namely, (i) imprisonment as under-trial prisoner and (ii) imprisonment as a convict, leaving aside the case of detention in jail without trial. Firstly, about imprisonment as under-trial prisoner. It is common knowledge that in our country innocent poor men become victims of false criminal cases. Most of these persons are to rot in jails as under-trial prisoners because of the opposition of Police against the granting of bails but more so because of their inability to bear the expenses necessary for getting bails. In the long run these innocent persons are discharged as not guilty by courts but nevertheless they in the mean time had to suffer imprisonment of several months, if not several years, to the great sufferings of their family members. The dictum-let hundred guilty persons escape punishment but not one innocent person should be penalised—in the face of this reality becomes a big joke. This suffering can be mitigated to some extent if (i) as a matter of course bail is granted to such persons

accused in ordinary cases, (ii) the law and procedures granting bail are revised and simplified so that any respectable person can stand as surety for the purpose of bail. (iii) a ceiling is imposed on the quantum of money a surety can charge and take from one individual accused in a case as fee for standing as surety (this ceiling should not be more than Rs. 10 to Rs. 15), (iv) there is a statutorily fixed maximum time limit for Police to submit to the court the charge-sheet against the accused, this time limit except in cases requiring prolonged investigation and inquiry not exceeding two months, (v) in case of failure by Police to submit the charge-sheet within this time limit the court may grant some more time not exceeding fifteen days but thereafter in case of failure to submit the charge-sheet the case will automatically lapse and the court will discharge the accused. Then comes the question of speedy disposal of cases by courts. Delay in justice is denial of justice. So goes the dictum. This has become another big joke, as cases now drag on and on for months, years and even decades together. This situation can be improved to some extent if (i) some sort of lower subordinate judicial service is introduced, (ii) there is at least one court for each Police-station under this service to try ordinary offences committed in the area of that Police-station (ordinary offences may mean those offence for which a maximum punishment of two years is provided. This is not final; the definition of ordinary offence may be settled through discussion among different political parties). (iii) Lawyers should not be allowed to appear before such courts except without express permission of the court and consent of the opposite parties (such a provision

is there in the Industrial Disputes Act, 1947, section 36). The present Chief Justice of the Hon'ble High Court of Calcutta sometime back suggested the setting up of such courts (He did not fix the jurisdiction of such courts). The Government should also introduce free legal service for the poorer people. Last but not least, there should be provisions for deterrent punishment for giving false information to Police, instituting false cases, giving false evidence, implicating innocent persons in false cases or false charges and arresting innocent persons. The saving clause ("done in good faith or intended to be done in good faith under colour of office") must be suitably modified so that Policemen are exposed to legal action for illegal acts now done by them with impunity at the instance of moneyed men against the poorer people, a fact as true as the sun rises in the east.

"When a company or partnership persistently commits offence of an anti-social nature like adulteration of food or drugs the court should have the power

to award a punishment by way of ordering the taking over of its management by the Government or by a custodian. The power of the court to order in such cases the winding up or dissolution of the company or partnership should not be there. Such an order will lead to loss of employment of the employees of the company for no fault of theirs and be a case of punishment of innocent persons.

"It is known to all that Police is in league with rowdies and anti-social elements who commit violent crimes. Most of the Police Stations have arrangements for payment of monthly fixed amount of money with these criminals. Unless this tie is snapped, all talk of effectively dealing with violent crimes by armed gangs will boil down to empty verbosity. Secondly, these armed gangs get protection from the ruling party. They even change their colours with the change in the Ministry. When some honest Police officials went to take steps against these armed gangs, leaders of the ruling party interfere and those officials dare not take action against the armed

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## Law and Order in Congress Raj

The Congress Government is boisterously claiming that the law and order situation in W. Bengal has much improved since it's coming to the power. The monopoly-controlled Press are also motivatedly suppressing all news of violation of law and order in the State to uphold the so-called democratic image of the Congress and to establish their claim. Still from the news trickled through them people can easily visualise the actual position of the State concerning law and order. It is as follows:

Period: From 1st January '73 to 31st January  
(in one month)

Dacoity	—33	Murdered	—56
Political or near-political		Injured	—71
clash involving the		Seriously injured	—20
Congress	—24	Total No. of victims	—147
Political clash exclusively			
among rival groups of the			
Congress	—7		
Raping	—2		
Others	—80		
Total No. of such			
incidents	—146		



# MOVE TO BAN STRIKE

## Cong. Govt.'s Fake Sympathy For Workers

A few days ago the West Bengal Government sought permission of the Central Government to promulgate an ordinance for banning strikes in West Bengal. But on Centre's advice the West Bengal Government decided to enact a bill to this effect in the rigged Assembly with a view to give it a democratic colour.

All sections of people are protesting against this sinister design of the West Bengal Government to nakedly serve the interest of the employers. Not only all Central Trade Unions controlled by the leftist parties but even INTUC and AITUC have raised their voice of protest against this proposed black Act. Being confronted with such vehement opposition from all sections of people, Sri Sidhartha Sankar Ray, the Chief Minister of West Bengal took the shelter of a blatant lie. He said that during the meeting of the Labour Advisory Board in September last no trade union opposed the idea of banning the strike in the said meeting. Even INTUC demanded that Sri Ray must prove his statement through publication of the minutes of the meeting of the Labour Advisory Board, held in September last.

The reasons put forward by the West Bengal Government in favour of this proposed black Act is that there is considerable loss of production due to strikes and so in order to put an end to this unnecessary loss of production this black Act is necessary. This move is nothing new. The Central Congress Government has also been following such a policy. The Indira Gandhi Government at the Centre attempted to ban strike in Bengal-Bihar-Orissa region in August 71 and later on an attempt was made to ban strike for 3 years throughout India. But these attempts were resisted by the toiling people at that time. But again being confronted with acute economic crisis,

the Central Congress Government took recourse to such anti-labour bill like Industrial Relation Bill. The address by Sri V.V. Giri on 26th January advocating a moratorium on strikes is also an attempt to create a congenial atmosphere for banning strike.

According to the Congress leaders, the reason for loss of production is due to labour trouble and strikes in industries. But is this contention at all true? Is it due to strike that industries are running below capacity and there are closures in many industrial units? Or the present chaos in production is solely due to capitalist mode of

**R. K. B.**

production, heavy dose of taxation and inflationary pressure due to the present monetary policy pursued by the Central Congress Government? The Congress Government has been pursuing a pro-monopoly fiscal policy and as a result the common people are getting pauperised due to sky-rocketing prices through the pressure of indirect taxes. It is due to the gradual dwindling of buyers at market and also due to stiff competition with the powerful imperialist countries in the foreign market that only 60% of the capacity of the major industrial units in India are utilised. Up to March '71 there were 300 closures. Moreover, in most of the industrial units the employers try to earn maximum profit without replacing the old machinery. The use of such outdated and old machinery is also a major cause for loss

of production. Electricity crisis is also a major factor for the loss of production. It is due to all these crises that industries are running below capacity and many industrial units are forced to declare closures. As a result a large number of workers are laid off and dismissed.

The proposed ordinance by the West Bengal Government has been aimed at banning strike as well as lock-out and the Congress Government has tried to equate strike with lock-out. But can strike be equated with lock-out? The right to strike is a right acquired by the working class through prolonged struggle against the employers and the Indian Constitution makers had to concede to this right of the working class as a fundamental right. The right to strike is the powerful weapon in the hands of the working class for redressal of their legitimate demands. By banning strike the Congress Government is only unarming the working class in their struggle against the employers who will retain the right of dismissal, lay-off and closures.

It has been seen that the Government does not take any penal action against the employers in case of the defalcation of the PF or the amount of the ESI. The employers often do not pay the royalty to the state or they do not pay the due income tax to the state coffer. But though the Government has enough power to deal with these cases of gross violation on the part of the employers, no action is taken against them. So though provision to ban lock-out is made in the proposed bill, one can easily imagine that the real motive behind this measure is to use it against the strike so that the working class is deuded of its one of the most powerful weapons against the employers.

The pro-employer and anti-working class policy pursued by the Congress clearly demonstrates the true character of the "socialism" of Sm. Indira Gandhi. Sm. Gandhi raised the slogan of 'garibi hatao' just before the last election and resorted to such so-called socialist gimmicks like nationalisation of banks, general insurance, coking coal industries etc.. Our Party cautioned at that time that these measures are not at all progressive; on the contrary, through these measures, Indira Congress is trying to bring about a coalescence of the state capital with the private monopoly capital to give birth to the state monopoly capital for the aggregate interest of monopoly capitalism in India. Through these measures the Congress is laying the foundation of fascism in the economic field. Now these anti-labour acts clearly testify to the correctness of our assessment about the so-called socialism of the Congress. Confronted with the growing crisis in the capitalist economy the Congress shook off its progressive mask to nakedly protect the interest of the employers through curtailing the fundamental right of the working class.

At present the Congress Government is armed with many black acts; but not a single employer has been punished by any of these acts in spite of the fact that numerous instances of gross violations of the rules by the employers are there. Sri Sidhartha Sankar Ray said that acts similar to that proposed by him were in existence in UP and Kerala. But it must be pointed out that not a single employer was punished through such act though it has been frequently applied against the workers.

The motive of the Government is clear. The working class must resist this sinister design of the Congress Government unitedly. It is only through united resistance that the Government

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# CPI's Queer Stand On Move To Ban Strike

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will be forced to withdraw this anti-working class bill. So Com. Nihar Mukherjee, the Secretary of the West Bengal State Committee of the SUCI has appealed to the toiling people of the State to offer united resistance against the enactment of this black bill.

All Central Trade Unions including INTUC and AITUC have also protested against this proposed measure. But the sincerity of INTUC can be tested if they are really eager to build up united resistance. It is clear from their attitude that the INTUC is not at all eager to build up resistance against this onslaught unitedly. Again AITUC has even declared that it will alone call for a general strike against this measure. If AITUC is so much sore about this measure then why is it not coming for an united action? Does it not show that the AITUC though averse to united action—the only way to protect the right of the workers—is only vocal to prove itself to be the champion of the working class? That the protest of the AITUC is not at all sincere and merely a public show to befool the people is amply demonstrated by the fact that Sri Sidhartha Sankar Ray, the main architect of this proposed bill was a prominent invitee in the recent AITUC session and was accorded a grand reception there. The leaders of the AITUC should note that history will not absolve them for shunning the present responsibility of unitedly resisting this onslaught on the working class, through such gimmick.

In this connection, the role of the CPI deserves strongest condemnation. When Sri Sidhartha Sankar Ray, the Chief Minister of West Bengal briefed the Press about the proposed ordinance, all the bourgeois newspapers

carried headline news about this black ordinance, but the Kalantar, the Bengali Organ of the CPI did not give any prominence to this news and flashed it in an insignificant corner of the paper. Again when all the leftist parties strongly protested against this naked aggression on the working class the CPI did not protest against this move of Congress Government for the two days. It is only when Sri Ray declared that he would not have any difficulty in enacting the proposed bill banning strike, as the CPI would not oppose, that the leaders of the CPI were put in an embarrassing position before their rank and file and only then the CPI was forced to issue a half-hearted statement of protest to pacify the rank and file of the party. From these instances it is clear that the CPI which is an ally of the Congress in the PDA knew about this ordinance beforehand and the ordinance was not opposed by them. The display of the news in the Kalantar and the indiscreet silence of the CPI, giving a handle to the Congress prove beyond any shadow of doubt that the CPI was also a party to the decision of the Congress. Moreover, though the CPI has protested against this measure of the West Bengal Government the same CPI Chief Minister-led Government of Kerala resorted to similar ordinance to break the strike of the government employees. The explanation put forward by Mr. Dange is indeed queer. Mr. Dange claimed that the Kerala Government used the ordinance against the anti-people strike. If any strike or any movement is misguided then a leftist party tries to provide proper leadership to the movement through other democratic means. No truly left party can ever imagine to resort to such undemocratic black ordinance or to

use the bureaucracy and police to break the strike or any movement. The Congress also argues that it uses this undemocratic ordinance to break the anti-people strike. What will Mr. Dange answer to this argument of the Congress? No amount of pettifoggery by Mr. Dange can shield the bare truth that the Kerala Government headed by Mr. Achutha Menon is guilty of resorting to the most undemocratic measure. Being confronted with the growing crisis in capitalist production, the bourgeoisie took recourse to the curtailment of the

limited democratic rights of the people through such undemocratic Acts and ordinances. All truly leftist parties must try to resist this attempt of the bourgeoisie and protect the democratic rights of the people. The Achutha Menon Ministry in Kerala, instead of protecting and enlarging the democratic right of the people, resorted to such black ordinance which will ultimately help the bourgeoisie. Thus not only Shi Siddhartha Sankar Ray is an "unalloyed representative of the bourgeoisie" but Achutha Menon Ministry in Kerala is also nakedly serving the interest of the bourgeois class.

## 85000 People Rendered Homeless

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one of the English dailies it was reported: "The Rehabilitation Secretary and the Governor were said to have taken note of the erosion of the Padma bank which is swallowing some villages."

It is, however, to be mentioned that the Congress tried all possible means to make this deputation a failure. The Congressite Anchal Pradhans and other local Congress leaders threatened the villagers with dire consequences if they participated in the deputation led by the SUC. As a matter of fact G.R. to numbers of people was stopped for their participation in this deputation. This was the role of the Congress at that time.

After some time when the Government took no action, the SUC met the SDO of Jangipur Subdivision on 15th November 1972 and demanded to know from him within 15 days about the steps the Government was going to take against this erosion and it was further stated if the Government did not take steps to meet the demand of the people, a massive movement would be launched against the Government. The SDO, however, assured the

deputationists to send a note to the Government about the dangerous situation. It is gladdening to note that the SDO actually sent a note to the Government.

In the said note the SDO reported that in Jangipur Subdivision alone, 100 square miles of area had been lost, 84 villages were destroyed and 14050 families with 85 thousand people were rendered homeless. Moreover, Dhuliyan and Aurangabad, two business centres are going to be destroyed. The SDO also reported that due to this erosion the construction of the Farakka Barrage would be defunct and recommended for immediate protection work which would likely to cost one crore of rupees per mile of the bank. In view of the amount of loss the expenditure is worthwhile; but it is seen that the West Bengal Government after much publicity in the Press has sanctioned only 10 lakhs of rupees and appealed to the Centre for the extra fund.

The anxiety of the Congress leaders for the affected people is not sincere as can be seen that when the UF Ministry spent nearly 25 lakhs of

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